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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,319	10/31/2003	William B. Best	FKLS.83077	2548
46245	7590	03/16/2005	EXAMINER	
JOSEPH B. BOWMAN 5441 EAST GLENEAGLES DRIVE TUCSON, AZ 85718-1805			WELCH, GARY L	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

**Office Action Summary****Application No.**

10/699,319

**Applicant(s)**

BEST, WILLIAM B.

**Examiner**

Gary L. Welch

**Art Unit**

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10312003</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-12 in the reply filed on 24 February 2005 is acknowledged.

***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Reference number "51" (page 8, lines 8, 15 and 17) is not disclosed in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: It appears that the following change is required:

Page 6, line 23 and Page 7, line 2: Change "34" to --44--

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal (U.S. 5,488,739) in view of Krent et al. (U.S. 5,168,576).

Cardinal discloses a hockey glove 10 for protecting the hand, wrist and lower forearm of a user and having:

a glove body 11 with closed, individual fingers 15 and thumb stalls 14;

a padded wrist cuff 12 connected to the glove body 11;

a plurality of independent, hand back pads (32, 33) connected to the glove body 11;

a plurality of independent, knuckle pads 18 connected to the glove body 11;

a plurality of finger pads (20, 21) connected to the glove body 11 wherein each finger pad (20, 21) is secured to one of the finger stalls 15 and each finger pad (20, 21) comprises foam block padding 19.

However, Cardinal does not disclose that each finger pad comprises a low density padding layer overlying the fingerstall throughout the length thereof, a

high density padding layer overlying the low density padding layer and a wear resistant cover overlying the high density padding layer.

Krent et al. teaches protective foam body padding 10 for gloves (Figure 14) comprising a top layer of closed-cell high density foam 52 overlying a layer of low density open-cell foam 50 thereby providing a composite padding that conforms to the user's body and body movements and for absorbing and distributing high impact forces (Col. 2, lines 15-29 and Col. 6, lines 39-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single foam block padding 19 of Cardinal with the composite padding having a top layer of closed-cell high density foam 52 overlying a layer of low density open-cell foam 50 in order to provide maximum protection and unrestricted movement to the user.

With regard to claim 2, each finger pad (20, 21) includes one or more flexible joints having a flexible hinge panel 27 interconnecting adjacent edges split laterally across the wear resistant cover and a lateral cut through the padding in order to permit flex of the finger stall from a substantially straight position to a curved position.

With regard to claims 3 and 12, a V-shaped notch is provided in the padding (see notches in padding blocks in Figures 3 and 4).

With regard to claim 4, it would have been obvious through routine experimentation to provide the high density padding layer and the low density

padding layer to be of substantially equal thickness in order to meet a predetermined level of protection versus comfort.

With regard to claims 5, the wrist cuff comprises a high density padding layer with a wear resistant cover overlying the padding (Col. 4, lines 37-55).

With regard to claims 6, 8, and 10, it would have been obvious to configure the wrist cuff, hand back pads and knuckle pads with high and low density padding for the same reasons as stated above for the finger pads (see claim 1 rejection).

With regard to claim 7, the hand back pads comprise high density padding and a wear resistant cover layer.

With regard to claim 9, the knuckle pads comprise high density padding and a wear resistant cover layer.

With regard to claim 11, each knuckle pad includes one or more flexible joints having a flexible hinge panel 26 interconnecting adjacent edges split laterally across the wear resistant cover and a lateral cut through the padding in order to permit flex of the finger stall from a substantially straight position to a curved position.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cote' 162 discloses a hockey glove having a plurality of finger pads and knuckle pads. Sauriol '720 discloses a hockey glove having knuckle webbing disposed at the knuckle joints. Morrow et al. '396 discloses a protective sports glove

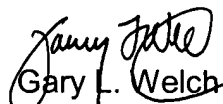
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having a wrist cuff portion composed of two layers of padding. Wilder et al. '769 discloses a hockey glove having V-notches formed on the padding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Gary L. Welch  
Primary Examiner  
Art Unit 3765

glw